

# The Corporation of the City of Kawartha Lakes

## Committee of Adjustment Report – Brethour

Report Number COA2025-010

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### Public Meeting

**Meeting Date:** January 30, 2025

**Time:** 1:00 pm

**Location:** Council Chambers, City Hall, 26 Francis Street, Lindsay

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### Ward 4 – Geographic Township of Mariposa

**Subject:** The purpose and effect is to facilitate the construction of an accessory storage structure.

### Relief sought:

1. Section 3.1.3.1 c) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area to a maximum of 150 square metres; the proposed lot coverage is 195 square metres or 3% of the lot area; and,
2. Section 3.1.3.2 of the Zoning By-law permits a maximum height for accessory structures of 5 metres; the proposed height is 5.9 metres.

The variance is requested at **838 Ramsey Road** (File D20-2024-113).

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**Author:** Katherine Evans, Acting Development Supervisor

**Signature:** 

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### Recommendations

**That** Report COA2025-010 – **Brethour**, be received;

**That** minor variance application D20-2024-113 be GRANTED, as the application meets the tests set out in Section 45(1) of the Planning Act.

### Conditions

- 1) **That** building construction related to this approval shall proceed generally in accordance with the sketch in Appendix C and the drawings in Appendix D submitted as part of Report COA2025-010, which shall be attached to and form part of the Committee's Decision; and,

- 2) **That** building construction related to the minor variance shall be completed within a period of twenty-four (24) months after the date of the Notice of Decision, failing which this application shall be deemed to be refused. This condition will be considered fulfilled upon completion of the first Building Inspection.

This approval pertains to the application as described in report COA2025-010. Fulfillment of all conditions is required for the Minor Variance to be considered final and binding.

## Application Summary

Proposal:	Construction of an accessory storage structure
Owners:	Kathleen and Gerald Brethour
Applicant:	Kathleen Brethour
Legal Description:	Part Lot 14, Concession 1 (being Part 5 on Reference Plan 57R9031)
Official Plan <sup>1</sup> :	Prime Agricultural (City of Kawartha Lakes Official Plan, 2012)
Zone <sup>2</sup> :	Agricultural (A1) Zone (Township of Mariposa Zoning By-law 94-07)
Site Size:	0.62 ha (1.54 ac)
Site Access:	Year round municipal road
Site Servicing:	Private individual well and septic system
Existing Uses:	Residential
Adjacent Uses:	Residential and agricultural

## Rationale

**The variance is desirable for the appropriate development or use of the land, building or structure.**

The subject property is located on the south side of Ramsey Road in an area comprised primarily of larger agricultural lots, with some smaller rural residential lots. The subject property contains a single detached dwelling constructed in 1967 (according to Municipal Property Assessment Corporation) and a detached garage.

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<sup>1</sup> See Schedule 1

<sup>2</sup> See Schedule 1

The purpose of the application is to construct a detached accessory structure. The new building is to be used to store the property owners' belongings including property maintenance equipment, gardening tools, and a camper trailer. A 4.3-metre tall door is required to accommodate the trailer, and the proposed building height of 5.9 metres is required for the mechanics that operate the door.

Given the above analysis, the variance is considered desirable and appropriate for the use of land.

**The variance maintains the general intent and purpose of the Official Plan.**

The subject property is designated Prime Agricultural under the City of Kawartha Lakes Official Plan, 2012. A single detached dwelling, accessory buildings and structures, and agricultural uses are permitted within this designation.

Therefore, the variance is considered to maintain the general intent and purpose of the Official Plan.

**The variance maintains the general intent and purpose of the Zoning By-law.**

The subject property is zoned Agricultural (A1) Zone under the Township of Mariposa Zoning By-law 94-07. As per Section 8.2.1.7, a lot that is less than 1 hectare in size shall only be used in accordance with the permitted uses and provisions of the Rural Residential Type One (RR1) Zone. A single detached dwelling as well as accessory buildings and structures are permitted within this zone. The proposal complies with all provisions of the Zoning By-law with the exception of the maximum accessory structure lot coverage and maximum height for accessory structures.

Section 3.1.3.1 c) of the Zoning By-law permits a maximum lot coverage for accessory structures of 10% of the lot area to a maximum of 150 square metres. The proposed lot coverage is 195 square metres or 3% of the lot area. The purpose of the maximum lot coverage for accessory structures is to maintain the rural residential character of the property and to ensure that accessory uses remain subordinate to the primary (residential) use.

While the total lot coverage for accessory structures exceeds 150 square metres by 45 square metres, the portion of the lot covered by accessory structures is only 3%. For comparative purposes, other rural Zoning By-laws regulate lot coverage using only a percentage, on average ranging from 8% to 10% of the lot area.

The property is in an area that contains agricultural uses which include larger agricultural buildings. The proposed accessory structure will be in keeping with the existing built form. Additionally, while the subject property is a rural residential lot, it is surrounded by farm fields which make the property appear larger. This ensures the accessory structures do not result in the property appearing crowded or overbuilt.

Section 3.1.3.2 of the Zoning By-law permits a maximum height for accessory structures of 5 metres. The proposed height is 5.9 metres. The purpose of a

maximum height for non-agricultural accessory structures in an agricultural zone is to ensure the accessory use is subordinate to the primary uses, being the primary dwelling.

The proposed garage exceeds the minimum front and interior side yard setbacks. The location of the proposed structure abuts a farm field that contains no buildings or structures. As such, the increased height of the structure is not anticipated to impact surrounding properties. As the surrounding area consists predominantly of agricultural uses, taller agriculture buildings are anticipated and exist in this area, so the increased height of the subject structure would not be out of character with the surrounding area. The proposed storage structure is accessory to the residential use, and the increased height is not anticipated to impact the rural residential character of the property.

Therefore, the variance is considered to maintain the general intent and purpose of the Zoning By-Law.

**The variance is minor in nature.**

There are no anticipated impacts on environmental features; neighbouring properties; or, the function of the municipal right-of-way with respect to access, drainage, or streetscaping and maintenance.

**Other Alternatives Considered:**

No alternatives considered.

**Consultation Summary**

Notice of this application was circulated in accordance with the requirements of the Planning Act.

**Agency Comments:**

**Building and Septic Division (Building):** “No comments.”

**Building and Septic Division (Septic):** “A site visit was completed to review the existing sewage system on the property for the placement of the proposed accessory storage structure. The sewage system was located through an evaluation on the property. The sewage system is located directly behind the dwelling in the south-west quadrant of the property. The accessory structure is being proposed to be placed in the north-east quadrant of the property. The placement of the structure in this location will ensure the minimum clearance distances to the sewage system are maintained. Additionally, the structure will not incorporate any plumbing fixtures or habitable space. As such, the Building and Septic Division has no issue with the minor variance proposal as it relates to private on-site sewage disposal.”

**Engineering and Corporate Assets Division:** “From a Development engineering perspective, we have no comments or objections for this Minor Variance application.”

**Public Comments:**

No comments received as of the writing of the staff report.

**Attachments**

- Appendix A – Location Map
- Appendix B – Aerial Photo
- Appendix C – Applicant’s Sketch
- Appendix D – Construction Drawings

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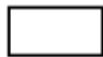
**Phone:** 705-324-9411 extension 1883  
**E-Mail:** kevans@kawarthalakes.ca  
**Department Head:** Leah Barrie, Director of Development Services  
**Division File:** D20-2024-113

## Schedule 1 Relevant Planning Policies and Provisions

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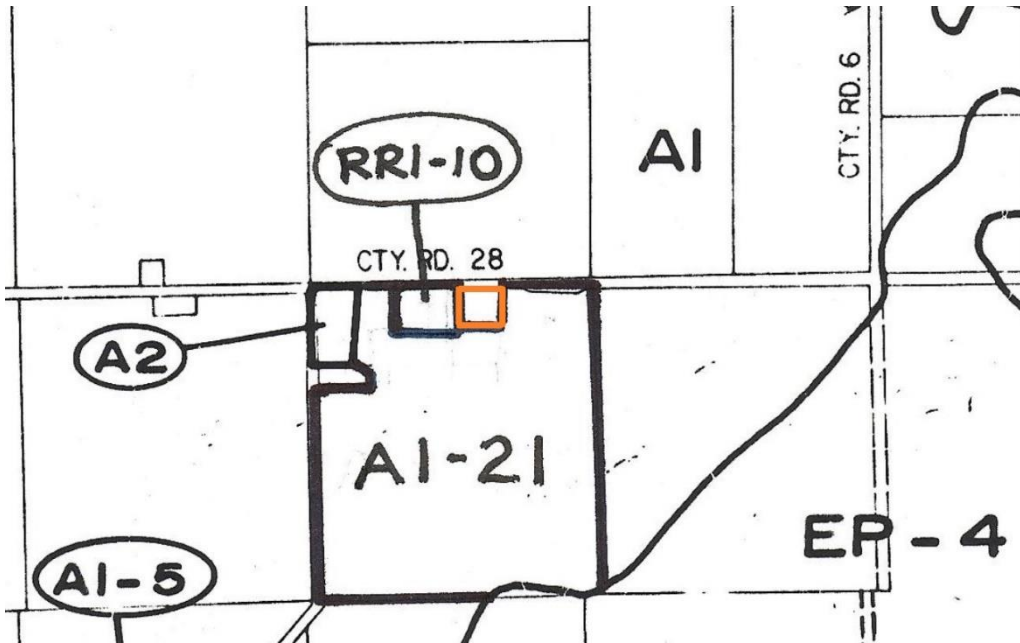
### City of Kawartha Lakes Official Plan



 Prime Agricultural

### 15. Prime Agricultural Designation

## Township of Mariposa Zoning By-law 94-07



### Part 3 General Provisions

#### 3.1 Accessory Buildings, Structures and Uses

##### 3.1.3 Lot Coverage and Height

3.1.3.1 The total lot coverage of all accessory buildings and structures, excluding outdoor swimming pools, shall be:

(c) 10% of the lot area to a maximum of 150 square metres for a building or structure accessory to a dwelling unit in the A1 zone and corresponding exception zones.

3.1.3.2 The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof

### Part 8 Agricultural (A1) Zone

#### 8.1 Uses Permitted

#### 8.2 Zone Provisions

8.2.1.7 Notwithstanding subsections 8.1.1 and 8.2.1 where a lot is created by consent, such lot shall only be used in accordance with Sections 12.1 and 12.2 of

this Bylaw but shall not exceed a lot area of 1.0 hectare. The provisions of article 12.2.1.3 shall apply to the location of a single detached dwelling on an existing lot of record.

## **Part 12 Rural Residential Type One (RR1) Zone**

12.1 Uses Permitted

12.2 Zone Provisions



to

REPORT COA2025-010

FILE NO: D20-2024-113

LOCATION MAP

# D20-2024-113



to

REPORT COA2025-010

FILE NO: D20-2024-113

**AERIAL PHOTO**

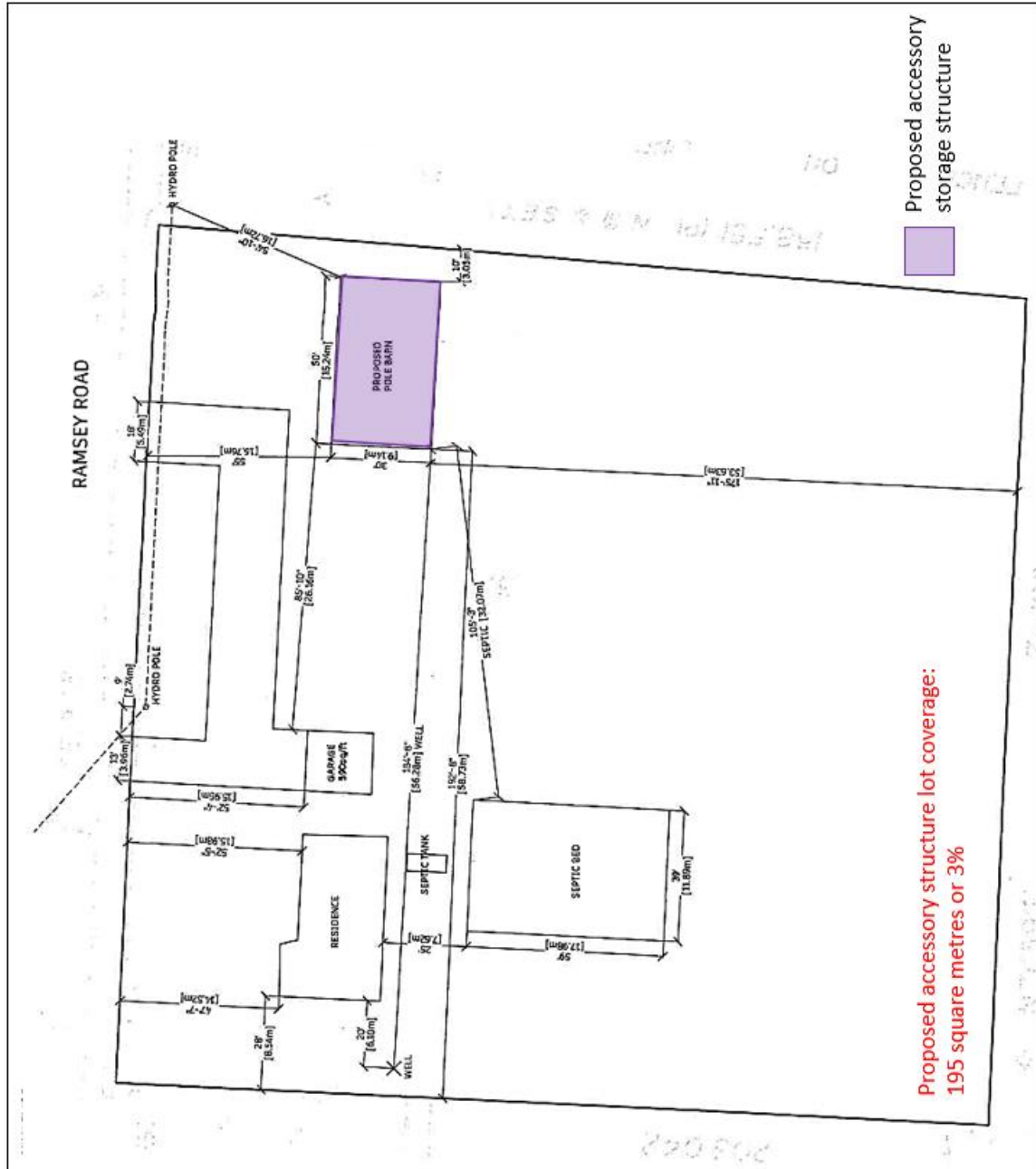


to

REPORT COA2025-010

FILE NO: D20-2024-113

APPLICANT'S SKETCH



to

**CONSTRUCTION DRAWINGS**

